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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,628	11/26/2003	Victoria Jean Van Dyn Hoven	035234-0102	9713
26371	7590	11/30/2004	EXAMINER	
FOLEY & LARDNER			TSO, LAURA K	
777 EAST WISCONSIN AVENUE			ART UNIT	PAPER NUMBER
SUITE 3800				
MILWAUKEE, WI 53202-5308			2875	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/723,628	VAN DYN HOVEN, VICTORIA JEAN	
	Examiner	Art Unit	
	laura tso	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 6-13 and 16-24 is/are rejected.
- 7) Claim(s) 5, 14 and 15 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Specification

The disclosure should be carefully reviewed to ensure that any and all grammatical, idiomatic, and spelling or other minor errors are corrected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 6, 8, 9, 10, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kayatt (3,435,286) in view of Van Sickler (4,679,126).

Kayatt discloses decorative light bulbs comprising a plain light bulb [17, 18, 19] covered with a flexible outer coating in the shape of a candle flame. The flexible outer coating comprises a silicon gel that is applied by dipping [column 1, lines 64-65].

Kayatt does not disclose the bulbs are applied to a light string. Van Sickler, in a similar device, discloses a light string [10: figure 1] of decorative lamps [18] comprising a string of light bulbs sockets [22] electrically interconnected by an electrical cord [16] terminated by electrical connectors [12, 14]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lamps of Kayatt in a light string such as that taught by Van Sickler so that they may be easily displayed and illuminated.

Kayatt does not disclose that the light bulbs draw between 2 and 3 watts when energized. It is well known that silicon gel melts at low temperatures. Therefore it would be necessary for the bulbs of Kayatt to stay cool and thus to draw low amounts of energy. It would have been obvious to one having ordinary skill in the art at the time the invention was made to supply Kayatt's bulbs with low amounts of energy such as 2-3 watts so that the bulbs do not overheat melting the silicon gel. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Note: the method of making would be obvious in view of the device.

Claims 2-4, 7, 11-13 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kayatt (3,435,286) in view of Van Sickler (4,679,126).

Kayatt and Van Sickler do not disclose coloring the outer coating/cover of the lamps. Guimond, in a similar device, discloses a decorative lighting device wherein the color and/or shape of the bulb covers may be changed for the season [note figures 4 and 5]. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide various colors of decorative bulbs representing the holidays so as to increase the appeal of the device and to sell more light strings. Note the traditional colors of Holidays are: Christmas, red and green; Independence Day, red, white and blue; Valentines Day, red and white; Halloween: orange (and black). It is also well known to change the color of a polymer by dispersing pigment into the polymer.

Allowable Subject Matter

Claims 5, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to show or suggest a decorative light string comprising a string of light bulb sockets electrically interconnected by a cord and terminated by a connector, and a plurality of decorative of decorative light bulbs comprising a plain light bulb covered by a flexible outer coating in the shape of a candle flame wherein the coating includes a scent.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note Huff (5,908,231).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to laura tso whose telephone number is 571-272-2385. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, sandra o'shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura Tso
laura tso
Primary Examiner
Art Unit 2875
